

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE



SEP 06 2017

AT SEATTLE  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

KYLE LYDELL CANTY  
Plaintiff,

Case No. 2:16-cv-01655-  
RAJ-JPD

VS.

CITY OF SEATTLE et, al  
Defendants.

PLAINTIFF'S  
MOTION PURSUANT  
TO "ACCESS TO THE  
LAW" INTENTIONAL  
REFUSAL ON THE  
BEHALF OF THE  
WASHINGTON STATE  
DEPARTMENT OF  
CORRECTIONS  
"ORAL ARGUMENT  
REQUESTED"  
NOTE ON CALENDAR  
EMERGENCY MOTION

COMES NOW, the Plaintiff Kyle Lydell Canty  
In Propria Persona, and of Sui Juris

On this 30th day of August year 2017, hereby moves and Serves this Court With this Motion Pursuant to "ACCESS TO THE Law" (INTENTIONAL REFUSAL); Also Pursuant to Common Law, Rule of Law, United States Constitutional Law, Fed Civ P, and United States Code "U.S.C."

### Statement of issues

- (1) For reasons that are unclear the Washington State Department of Corrections by way of WCC| Shelton Correctional facility has intentionally and repeatedly refused the Plaintiff Kyle Lydell Ganty "ACCESS TO THE Law", Thus violating their own Policies, rules, procedures and Code Pursuant to WCC 590.500?
- (2) For reasons that are unclear the Washington State Department of Corrections legal Person for this facility has not responded back to the Plaintiff at all? apparently this legal Person at

this facility is named John Thompson?  
(3) For reasons that are unclear the Washington State Department of Corrections are training their Correctional facilities such as Shelton/WCC to only permit access to a outdated but somewhat of use legal Computer only once or maybe twice if you're worthy?

(4) Should the Washington State Department of Corrections be allowed to refuse, pick and choose, put inmates on paper restrictions when it comes down to legal access to the Law?

### Evidence relied upon

Plaintiff Kyle Lydell Canty rely upon a copy with tracking number to the official grievance that he submitted to The WCC grievance Coordinator "J. Watson" is his name (Attached is Exhibit 65) Titled "Emergency legal law library access request permanent"

The Plaintiff Kyle Lydell Canty also rely on a letter signed and dated by the grievance Coordinator himself J. Watson Claiming that Plaintiff and inmate has committed grievance abuse with a threat of a infraction his words not MR. Canty's (Attached is Exhibit 66)

### Relief Requested

The Plaintiff Kyle Lydell Canty hereby respectfully requests a Writ to be signed for unlimited access to the law, paper, envelopes, law books, his own law book and other legal supplies that were transferred over to the Washington State Department of Corrections from King County Correctional facility

### Law And Argument

Has the Supreme Courts made it clear

2 Exhibits Attached

that no inmate in the United States of America is to be denied/refused ACCESS to Law? Has the Federal Courts of the United States made it Crystal Clear that NO inmate is to be denied/refused ACCESS to the Law? Has the United States Constitution, United States Code "U.S.C.", Federal ACTS or Law, and Common Law made it Clear that no inmate is to be denied/refused ACCESS to the Law? Why is the State of Washington Department of Corrections able to get away with this?

### Conclusion

The Plaintiff has Submitted to the United States District Court Western District OF Washington earlier this week "A Motion for APPOINTMENT OF COUNSEL" for these Same reasons plus more.

Signature page is P 6 of 6

Judges Signature

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Prepared by:

208/30/2017

Executed 08/30/17

Kyle Lydell Canty  
DOC# 401358  
Washington Corrections  
Center  
P.O. Box 900  
Shelton, WA 98584

Confidential  
WCC Grievance Coordinator

EXHIBIT 65

Department Corrections  
WASHINGTON Received in office

AUG 2 2017

Emergency Legal  
Law Library access  
request "Permanent"

LOG I.D. NUMBER

17639086

## OFFENDER COMPLAINT

CHECK ONE:  Initial  Emergency  Appeal  Rewrite

**RESIDENTIAL FACILITIES:** Send completed form to the Grievance Coordinator. Explain what happened, when, where, and who was involved or which policy/procedure is being grieved. Be as brief as possible, but include the necessary facts. Use only one complaint form. A formal grievance begins on the date the typed grievance forms are signed by the Coordinator. Contact a Department employee to report an emergency situation or to initiate an emergency complaint. Please attempt to resolve all complaints through the appropriate Department employee(s) before pursuing a grievance.

**NOTE:** Complaints must be filed within 20 working days of the incident. Appeals must be filed within 5 working days of receiving the response. Include log ID # on rewrite or response being appealed.

Last Name	First	Middle	DOC Number	Facility/Office	Unit/Cell
Canty	Kyle	Lydell	401358	Shelton	E107
COMMUNITY SUPERVISION: Send completed copies of this form directly to: Grievance Program Manager, Offender Grievance Program, Department of Corrections, P.O. Box 41129, Olympia WA 98504-1129.			CITY, STATE		ZIP CODE
MAILING ADDRESS: STREET OR P.O. BOX					TELEPHONE

**COMPLAINT:** This Facility of Shelton/WCC has refused MR. Kyle Lydell Canty access to the legal Law Library.

- (a) MR Kyle Lydell Canty even came to this facility with his own legal Law books, and other legal materials, this facility has still refused him access to the law.
- (3) MR. Kyle Lydell Canty has currently pending legal matters that this facility has known about for exactly one week now = 7 days

**SUGGESTED REMEDY:**

MR. Canty has already kited John Thompson, Sergeants, and put in Emergency Legal library request

Mandatory

Signature K 08/19/2017

Date 08/17

<b>GRIEVANCE COORDINATOR'S RESPONSE</b>		Facility/Office	Date Received
Your complaint is being returned because:		<u>WCC 1mu</u>	
<input type="checkbox"/> It is not a grievable issue.		<input checked="" type="checkbox"/> The complaint was resolved informally.	
<input type="checkbox"/> You requested to withdraw the complaint.		<input type="checkbox"/> Additional information and/or rewriting needed. (See below.)	
<input type="checkbox"/> You failed to respond to callout (sheet) on _____.		Return within 5 working days or by: _____.	
<input type="checkbox"/> Administratively Withdrawn _____.		<input type="checkbox"/> No rewrite received _____.	
<input type="checkbox"/> The formal grievance/appeal paperwork is being prepared.		<input type="checkbox"/> Sent to _____ (facility) on _____ (date).	
<input type="checkbox"/> Not accepted			

<b>EXPLANATION:</b> You had law library access on 08-23-17.	

Not emergent, found in Grievance box	
Coordinator's Name (print)	Coordinator's Signature
J. WATSON	<u>Watson</u>
Date	8-25-17

August 29, 2017

# Exhibit 66

To: Inmate Carty, Kyle 401358

*J. Watson*  
From: J. Watson, WCC Grievance Coordinator

**SUBJECT: GRIEVANCE ABUSE BY QUANTITY**

Seven complaints were picked up from you on 08/29/17. Two complaints already existed and these had been returned to you for rewrite requiring more information. Of the new complaints two were dated 08/25/2017, three dated 08/27/17 and two dated 08/28/17. With these new complaints this puts you at 9 Offender Complaints.

According to page 26 of the Offender Grievance Program Manual:

Offenders **may not** submit more than five (5) new complaints per calendar week or **have more than five (5) ACTIVE grievances and/or appeals**. If an offender exceeds these limits, the Grievance Coordinator will return all materials, explain that the offender is over the limit and list all active log ID numbers. Offenders may not withdraw more than five (5) formal grievances/appeals per year in order to initiate new grievances. If an offender exceeds any of these limits, he or she may receive corrective action.

**First violation**

The Grievance Coordinator will issue a written warning documenting the abuse and stating that subsequent violations may result in the offender being issued an infraction for interfering with the duties of staff.

**Second and subsequent violations**

The Grievance Coordinator may submit objective documentation to the Superintendent/Work Release Supervisor and request to infract the offender for interfering with the duties of staff.

This is your written warning. If you continue to commit grievance abuse by quantity, I will infract you. You will not be permitted to pursue more than five grievances at a time, at any level of review. Furthermore, if you submit more than five in a week, I will return ALL of them without investigation until you limit grievance activity in accordance with the OGP.

Kyle Lydell County  
DOC # 401358, E107  
Washington Corrections  
Center  
P.O. Box 900  
Shelton, WA 98584

Clerk of Judge  
Hon. James P. Donahue  
U.S. District Court  
U.S. District Courthouse  
700 Stewart Street  
Seattle, WA 98101

LEGAL MAIL

2010134443 0028

SEP 08 2017

USA

